

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GREGORY JACOBS,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

ORDER

08-cv-205-bbc

This is a civil action for injunctive relief brought pursuant to the Administrative Procedures Act, 5 U.S.C. §§701-706. Plaintiff Gregory Jacobs, a federal prisoner, alleged in his complaint that defendant Federal Bureau of Prisons is using 28 C.F.R. §§ 570.20 and 570.21 to determine when he is eligible for placement in a halfway house (which defendant now calls a Residential Reentry Center). Under §§ 570.20 and 570.21, plaintiff may not be transferred to a halfway house until the final 10% of his sentence. He contends that the regulations are invalid under 18 U.S.C. § 3621(b), which permits the Federal Bureau of Prisons to place prisoners in "any available penal or correctional facility," using five statutory criteria to make the assessment. He requests a preliminary injunction directing defendant to determine his eligibility for halfway house placement without reference to §§ 570.20 and

570.21.

Defendant has responded to plaintiff's request for a preliminary injunction by moving to dismiss the case on the ground that it is now moot. In their motion, defendant represents that plaintiff's eligibility date has been recalculated under the newly enacted Second Chance Act of 2007 and without regard to 28 C.F.R. §§ 570.20 and 570.21. This gives plaintiff the relief he requested in his complaint. I gave plaintiff until May 29, 2008, to object to defendant's motion, but he has not done so. Accordingly, IT IS ORDERED that defendant Federal Bureau of Prisons' motion to dismiss this case is GRANTED on the ground that it is moot. The clerk of court is direct to close the case.

Entered this 6th day of June, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge